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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,714	03/31/2004	Chiaki Aoyama	IIP-116-A	7414
7590 04/20/2006			EXAMINER	
Carrier, Blackman & Associates, P.C. 24101 Novi Road #100 Novi, MI 48375			RATCLIFFE, LUKE D	
			ART UNIT	PAPER NUMBER
			3662	

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/813,714	<b>Applicant(s)</b> AOYAMA, CHIAKI	
	<b>Examiner</b> Luke D. Ratcliffe	<b>Art Unit</b> 3662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4 and 7-9 is/are rejected.
- 7) ☒ Claim(s) 2,5 and 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Drawings*

The drawings are now accepted.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 3, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shima (2002/0196423) in view of Nakatsuka (6229625).**

Referring to **claim 1**, Shima shows a ranging apparatus with plural cameras (figure 2A Ref 11 and 12), plural distortion correction means (paragraph 6 and 7), a corrective computation means (figure 2A Ref 25), and a ranging computation means but does not show a corrected image selection means.

Nakatsuka shows a distortion correction means and corrected image selection means which selects the most appropriately corrected image (column 2 lines 59-65), but does not show plural cameras, and a ranging computation means. It would have been obvious to modify Shima with Nakatsuka because with any image processing like the image processing that is done in Shima an image processor can make mistakes and an image selection means would be able to select the proper image for the application as taught in Nakatsuka.

Referring to **claim 3**, Shima shows a method which determines distance to objects with a first step wherein plural cameras function as image acquiring means and take images of a target (figure 2A Ref 11 and 12), a second step of correcting after eliminating distortion (paragraph 6 and 7), and a final step of ranging distance to the object. Shima does not show a third step between the final step and the second step of selecting among plural corrective images an appropriate corrected image.

Nakatsuka shows a step of distortion correction means and corrected image selection means which selects the most appropriately corrected image (column 2 lines 59-65), but does not show a first step using plural cameras to acquire images of a target, and a final step of a ranging computation of the distance to the target. It would have been obvious to modify Shima with Nakatsuka because with any image processing like the image processing that is done in Shima an image processor can make mistakes and an image selection means would be able to select the proper image for the application as taught in Nakatsuka.

Referring to **claim 4**, Shima shows ranging program that determines distance to objects using the following steps. A first step wherein plural cameras function as image acquiring means and take images of a target (figure 2A Ref 11 and 12), a second step of correcting after eliminating distortion (paragraph 6 and 7), and a final step of ranging distance to the object. Shima does not show a third step between the final step and the second step of selecting among plural corrective images an appropriate corrected image.

Nakatsuka shows a step of distortion correction means and corrected image selection means which selects the most appropriately corrected image (column 2 lines 59-65), but does not show a first step using plural cameras to acquire images of a target, and a final step of a ranging computation of the distance to the target. It would have been obvious to modify Shima with Nakatsuka because with any image processing like the image processing that is done in Shima an image processor can make mistakes and an image selection means would be able to select the proper image for the application as taught in Nakatsuka.

**Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shima (2002/0196423) in view of Foote (7015954).**

Shima shows a ranging apparatus with plural cameras (figure 2A Ref 11 and 12), plural distortion correction means (paragraph 6 and 7), a corrective computation means (figure 2A Ref 25), and a ranging computation means but does not show a corrected image selection means.

Foote shows plural cameras (figure 4A), a plural distortion correction means (column 8 line 45 - column 9), an automated corrected image selection means (column 2 line 60 – column 3), and teaches the possibility of determining a range of the object that is viewed (column 12 line 65 – column 13). It would have been obvious to include the corrected image selection means of Foote because this allows a computer to select an image from a group of possible images allowing the human element of error to be eliminated.

**Claims 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shima (2002/0196423) in view of Nakatsuka (6229625) as applied to claims 1, 3, and 4 above, and further in view of Komiya (6211911).**

Referring to claims 7-12, Shima shows a ranging apparatus with plural cameras (figure 2A Ref 11 and 12), plural distortion correction means (paragraph 6 and 7), a corrective computation means (figure 2A Ref 25), and a ranging computation means but does not show a corrected image selection means.

Nakatsuka shows a distortion correction means and corrected image selection means which selects the most appropriately corrected image (column 2 lines 59-65), but does not show plural cameras, and a ranging computation means. It would have been obvious to modify Shima with Nakatsuka because with any image processing like the image processing that is done in Shima an image processor can make mistakes and an image selection means would be able to select the proper image for the application as taught in Nakatsuka. However both Shima and Nakatsuka are silent as to the addition of a common distortion table in their invention.

Komiya shows plural cameras (figure 1), plural distortion correction means (figure 1), wherein the plural distortion means includes a distortion correction table prepared in advance for the cameras respectively shown because of the multiple image correction sections for each camera (figure 1 and column 8 line 40-55). It would have been obvious to include the distortion correction table taught by Komiya because this is a common means to correct for distortion and adds no new or unexpected results.

***Allowable Subject Matter***

Claims 2, 5, and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

The applicant informed the examiner that they wish to evoke 35 U.S.C. 112 paragraph 6 with respect to the claims. The MPEP requires the applicant to include the words "means for" or "step for" when intending to using means plus function language (MPEP chapter 2181 section I. Language falling within 35 U.S.C. 112 6<sup>th</sup> paragraph). With respect to the argument that the claims include means plus function language and that the prior rejection is moot the examiner points out the preceding section in the MPEP and makes the argument that the means plus function language is incorrect.

New art has however been cited because the examiner failed to previously examine **claims 5-12** because the wrong claim submission was used in the examining process. New art has also been added with the understanding that the 112 6<sup>th</sup> issue will be easily resolved in hopes to further the examination process.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke D. Ratcliffe whose telephone number is 571-272-3110. The examiner can normally be reached on 8:00-4:30 M-F.

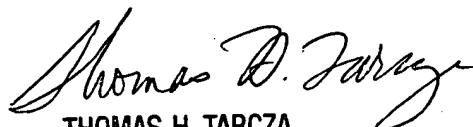
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on 571-272-6979. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LDR

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